

## SENATE BILL NO. 172

INTRODUCED BY G. BARKUS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTIES TO ADOPT SOCIAL HOST ORDINANCES;  
ESTABLISHING CIVIL PENALTIES FOR A VIOLATION OF A SOCIAL HOST ORDINANCE; AND PROVIDING  
AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Social host -- definitions.** As used in this part, the following definitions  
apply:

(1) "Gathering" means a party or event where a group of three or more persons have assembled or are  
assembling for a social occasion or social activity.

(2) "Host" means the person who organizes, supervises, officiates, conducts, or controls the gathering  
or any other person accepting responsibility for the gathering.

(3) "Premises" means any home, yard, farm, field, land, outbuilding, apartment, condominium, hotel or  
motel room, or other dwelling unit, whether occupied on a temporary or permanent basis, whether occupied as  
a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or  
without compensation.

(4) (a) "Social host" means a host who knows or reasonably should know that a person under 21 years  
of age is in possession of or is consuming an alcoholic beverage at a gathering on the host's premises.

(b) The term does not include a host providing an alcoholic beverage in a nonintoxicating quantity, as  
described in 16-6-305, to a person under 21 years of age if the host is:

(i) the person's parent or guardian;

(ii) a physician or dentist providing the alcoholic beverage for medicinal purposes;

(iii) a licensed pharmacist providing the alcoholic beverage upon the prescription of a physician; or

(iv) an ordained minister or priest providing the alcoholic beverage in connection with a religious  
observance.

**NEW SECTION. Section 2. Establishment of social host ordinance -- penalty.** (1) (a) The governing

body of a county may establish a social host ordinance to discourage underage drinking.

(b) The ordinance must substantially comply with the provisions of 7-5-103 through 7-5-107.

(c) Nothing in this section restricts the governing body from enacting an ordinance affecting only portions of the county.

(2) A person convicted of violating a social host ordinance adopted under subsection (1) is subject to a civil penalty not to exceed \$500 for each violation and in addition may be ordered to pay all costs and expenses involved with the case.

(3) Nothing in this section may be construed to abrogate or affect the provisions of 16-6-305, 45-5-623, 45-5-624, or any lawful ordinance, regulation, or resolution that is more restrictive than the provisions of this section.

**NEW SECTION.** **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 7, chapter 32, part 23, and the provisions of Title 7, chapter 32, part 23, apply to [sections 1 and 2].

**NEW SECTION.** **Section 4. Effective date.** [This act] is effective on passage and approval.

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